

all his property, leaving himself to be fed and clothed at the pleasure of the grantee. In all these, and many other similar cases, the weakness of mind of the party, who was not altogether *non compos mentis*, has been taken into account with the other circumstances to make up that amount of imposition and fraud which was considered as a sufficient ground for relief. *White v. Small*, 2 Chan. Ca. 103; *Portington v. Eglington*, 2 Vern. 189; *Clarkson v. Hanway*, 2 P. Will. 204; *Donegal's Case*, 2 Ves. 408; *Bridgman v. Green*, 2 Ves. 627; *Bennet v. Vade*, 2 Atk. 324; *Norton v. Kelly*, 2 Eden, 286; *Wright v. Proud*, 13 Ves. 136; *Huguenin v. Basely*, 14 Ves. 273; *Harvey v. Pecks*, 1 Mun. 518; *Rutherford v. Ruff*, 4 Desau. 350; *Rowland v. Sulliran*, 4 Desau. 518; *Brogden v. Walker*, 2 H. & J. 285; *Gibson v. Jeyes*, 6 Ves. 275.

This plaintiff, it appears, has until the latter years of her long life enjoyed a full share of sound well regulated mental capacity. But when this suit was instituted she had advanced beyond the **393** *eighty-fourth year of her age; and upon a short interview which I had with her, after the commencement of this suit, it appeared that her age was attended with at least its ordinary infirmities. Some of the most skillful of the witnesses after a short visit, which they made to her, say, that they observed in her mental powers a slower comprehension and a diminished power of associating her ideas, which is common to old age. Other witnesses represent her mind as then in a state of absolute dotage; in a condition of feebleness reduced much below that degree of power necessary to a sensible disposition of her property. And the defendant admits, that the plaintiff was then so enfeebled by age and its consequent infirmities, that her mind was exposed to the exercise of very undue influence by those about her. From the very nature of this mental infirmity, it is evident, that its then existence is, in itself, proof of its having commenced some time before. The transition from soundness of mind to delirium, or lunacy, may be very rapid or instantaneous; but dotage is a slow decay, the external signs of which do not appear until after it has been going on for some time. The proofs clearly establish the fact, that the plaintiff is now in a state of dotage. But its perceivable commencement has not been so well ascertained. Two of the witnesses speak of its having been observable so much as about eight years ago. It is certain, however, that her dotage commenced some years before the institution of this suit. The proofs, in relation to the plaintiff's conduct, also exhibit some instances of the milder forms of lunacy. The plaintiff's account of a hurt she had lately sustained, ascribing it to her falling in a race she ran; the particulars she related of her visit to Annapolis; and some other circumstances, are evidences of that species of incongruous association and misguided direction of the mind so peculiarly characteristic of lunacy. Such is the sum and substance of the testi-